

**13903. Adulteration and misbranding of canned tuna fish. U. S. v. 25 Cases of Tuna Fish. Default decree of condemnation, forfeiture, and destruction.** (F. & D. Nos. 19974, 19975. I. S. Nos. 14748-v, 14749-v. S. No. C-4704.)

On April 6, 1925, the United States attorney for the Eastern District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 25 cases of tuna fish, at Lexington, Ky., alleging that the article had been shipped by the M. DeBruyn Importing Co., New York, N. Y., in two consignments, namely, on or about December 24, 1924, and February 18, 1925, respectively, and transported from the State of New York into the State of Kentucky, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Selected Quality \* \* \* Juanita Brand California Tuna Standard All Light Meat."

Adulteration of the article was alleged in the libel for the reason that the meat from yellowtail fish had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly or in part for tuna fish in such manner that its inferiority was concealed.

Misbranding was alleged for the reason that the statement on the label, "Selected Quality Net Contents 7 Ounces Juanita Brand California Tuna Standard All Light Meat," was false and misleading and deceived the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article, to wit, tuna fish.

On October 19, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13904. Adulteration of canned blackberries. U. S. v. 50 Cases of Canned Blackberries. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 20632. I. S. No. 262-x. S. No. E-5579.)

On November 20, 1925, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 50 cases of canned blackberries, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Hunt Bros. Packing Co., from San Francisco, Calif., on or about October 12, 1925, and transported from the State of California into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Premio Brand Blackberries \* \* \* Packed By Hunt Brothers Packing Co. San Francisco, California, U. S. A."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On December 8, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13905. Adulteration of shelled chestnuts. U. S. v. 108 Bags of Shelled Chestnuts. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 20552. I. S. No. 8054-x. S. No. E-5536.)

On November 5, 1925, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 108 bags of shelled chestnuts, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Musolino & Berger, from Boston, Mass., on or about February 2, 1925, and transported from the State of Massachusetts into the State of New York, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, putrid, or decomposed vegetable substance.

On November 24, 1925, Thomas Pipitone, New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a

On October 16, 1925, F. Carrera & Hno., San Juan, P. R., having appeared as claimant for the property and having admitted the allegations of the libel, a decree was entered, ordering that the product be released to the said claimant upon the execution of a bond in the sum of \$3,000, conditioned in part that it be submitted to a cleaning process, and that its subsequent sale for human consumption be permitted only after inspection and approval by a representative of this department, otherwise that it be destroyed. The said bond was further conditioned upon payment of the costs of the proceedings by the said claimant.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13909. Adulteration of cocoa. U. S. v. 24 Cases of Cocoa. Default decree of condemnation, forfeiture and destruction. (F. & D. No. 20470. I. S. No. 7034-x. S. No. E-5510.)**

On or about October 22, 1925, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 24 cases of cocoa, at Jersey City, N. J., alleging that the article had been shipped by W. H. Baker, Inc., Red Hook, N. Y., on or about August 11, 1925, and transported from the State of New York into the State of New Jersey, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "W. H. Baker Best Cocoa \* \* \* Winchester, Va. Factory Red Hook, N. Y."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On November 25, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13910. Misbranding of butter. U. S. v. 6 Boxes of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20685. I. S. No. 5360-x. S. No. E-5571.)**

On or about November 7, 1925, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 6 boxes of butter, remaining in the original unbroken packages at Boston, Mass., consigned about November 2, 1925, alleging that the article had been shipped by the Green Mountain Creamery, Hardwick, Vt., and transported from the State of Vermont into the State of Massachusetts, and charging misbranding in violation of the food and drugs act as amended. The article was contained in cartons labeled in part: "Contents 1 Lb. Net," and each carton contained two prints labeled: "This Package Contains Eight Ounces Of Butter."

It was alleged in substance in the libel that the article was misbranded, in that the statement of the net weight of the contents of the said cartons was incorrect, and in that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct.

On November 19, 1925, Williams & Root, Craftsbury, Vt., having entered an appearance as claimant for the property and having filed a satisfactory bond in conformity with section 10 of the act, judgment of condemnation was entered, and it was ordered by the court that the product might be released to the said claimant upon payment of the costs of the proceedings.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13911. Adulteration and misbranding of olive oil. U. S. v. 20 ½-Gallon Cans and 17 1-Gallon Cans of Olive Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20569. I. S. Nos. 6085-x, 6086-x. S. No. E-5547.)**

On November 9, 1925, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 20 half-gallon cans and 17 gallon cans of olive oil, remaining in the original unbroken packages at Philadelphia, Pa., consigned by Pace & Sons, Providence, R. I., alleging that the article had been shipped from Providence, R. I., on or about August 7, 1925, and transported from the State of Rhode Island into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act.